

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

INITIAL STATUS REPORT
November 2, 2004

SWARTWOOD, M.J.

The following is an Initial Status Report to Saris, J. to whom this case is assigned:

1. Discovery

A First Superseding Indictment was returned in this case on October 6, 2004 and it charges twenty-four separate individuals with conspiracy to possess with intent to distribute cocaine, in violation of 21 U.S.C. §846.

I have arraigned eighteen of the Defendants in this case and on November 1, 2004, following the arraignment of seventeen of the Defendants, I held an initial status conference.¹

Since this case involves multiple Defendants and multiple Title 3 intercepts, I have allowed the Government additional time

¹The remaining Defendants are to be arraigned later this week.

to complete its obligation to make discovery in this case. The Government has already assisted the discovery process by preparing twenty-one separate disks containing intercepted telephone conversations and transcripts of those conversations. Those disks and other discovery will be distributed to counsel for all Defendants in this case. Counsel for the Defendants will then need a period of time to review the substantial discovery produced by the Government in this case and then to have that discovery reviewed by their clients, most of whom are in custody. Therefore, I have ordered that during an extended period of approximately two and one-half months that the Government shall meet its obligation for discovery; counsel for the Defendants shall review that discovery; and counsel for the Defendants and the Government shall exchange discovery request letters, if necessary.

2. Further Status Conference

A further status conference shall be held in this case on January 20, 2005, at 3:00 p.m., in Courtroom 16, Fifth Floor, John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston, Massachusetts.

3. Excludable Time

I am excluding from the Speedy Trial Act, the period from November 1, 2004 (date of arraignment of a substantial majority of the Defendants charged in this Indictment) through January 20, 2005 (date by which initial discovery in this case should be

completed)². Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Thursday, March 31, 2005.

/s/Charles B. Swartwood, III

CHARLES B. SWARTWOOD, III

MAGISTRATE JUDGE

¹A further status conference has been scheduled for January 20, 2005. If there are discovery issues which need to be resolved at that time, I will then schedule dates for the filing of discovery motions. **NO DISCOVERY MOTIONS SHALL BE FILED PRIOR TO JANUARY 20, 2005.**